IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.9453 OF 2005

Ashok S. Mulchandani).. Petitioner

Versus

State of Maharashtra).. Respondent

Mr.R.V. Govilkar for the Petitioner.

Mr.S.R. Nargolkar, Assistant Government Pleader, for the Respondent.

CORAM: V.G. PALSHIKAR, Ag. C.J. AND SMT. NISHITA MHATRE, J.

DATED: 23RD JANUARY 2006

P.C.:

. By this Petition, the Petitioner, who is an Advocate, has impugned the action of the Government in removing him from the post of District Government Pleader on the ground that it is arbitrary and without assigning any reason.

2. The removal follows an elaborate order made by this Court in Writ Petition No.7232 of 2004 on 12th August 2005 wherein appointment of the present Petitioner was questioned by the Petitioner therein. In the order, this Court has observed that the order appointing the present Petitioner as Public Prosecutor and District Government Pleader is a composite order and it was struck down by this Court. This Court has

observed as under :-

> "... The impugned order is a composite order appointing Respondent No.8 as the District Government Pleader under Rule 13 of the Maharashtra Law Officers Rules for civil cases. That part of the order was not under challenge and hence, we were not required to express anything thereon."

The fact that it was a composite order is thus found. It was after this judgment of this Court that the appointment of the Petitioner as District Government Pleader was also terminated. That termination is impugned in the present Petition.

3. Factually, the order passed by this Court is subject matter of challenge before the Supreme Court of India. In such circumstances, we see no reason to interfere. Petition dismissed.